

ORAL ARGUMENT NOT YET SCHEDULED
No. 25-5057

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

GWYNNE A. WILCOX,

Plaintiff-Appellee,

v.

**DONALD J. TRUMP, in his official capacity as President of the
United States,**

and

**MARVIN E. KAPLAN, in his official capacity as Chairman of
the National Labor Relations Board,**

Defendants-Appellants.

Appeal from the United States District Court for the
District of Columbia, No. 25-cv-334
The Honorable Beryl A. Howell

**CONSENT MOTION FOR LEAVE TO FILE BRIEF *AMICUS*
*CURIAE***

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CORPORATE DISCLOSURE STATEMENT

The American Federation of Labor & Congress of Industrial Organizations (“AFL-CIO”) a not-for-profit labor organization, states that it has no parent companies, subsidiaries, or affiliates that have issued shares to the public, and no publicly held company has 10% or greater ownership in it.

**CONSENT MOTION FOR LEAVE TO FILE BRIEF *AMICUS*
*CURIAE***

Pursuant to Federal Rule of Appellate Procedure 29 and this Court's local rules, the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO") respectfully moves for leave to file an *amicus curiae* brief in support of Plaintiff-Appellee and in opposition to Defendants-Appellants' motion for a stay pending appeal.

The AFL-CIO has conferred with counsel for Plaintiff-Appellee and Defendants-Appellants. All parties to this appeal have consented to the AFL-CIO's proposed filing.

The AFL-CIO is the nation's labor federation, composed of 63 affiliate unions representing 15 million working people. As a federation of labor unions who depend on the National Labor Relations Board ("NLRB") to decide representation and unfair labor practice cases, the AFL-CIO has an extremely strong interest in the NLRB's ability to carry out its congressionally-delegated responsibilities. Defendants-Appellants' removal of Plaintiff-Appellee in defiance of statutory mandate has harmed the AFL-CIO, its affiliated unions, and their members by temporarily stripping the NLRB of the minimum quorum it

requires to function, a situation that would be gravely exacerbated by a stay pending appeal.

Given the importance of the constitutional issues presented in cases concerning the Presidential removal of independent agency officers, this Court has granted leave for amicus filings in other matters with respect to a stay pending appeal. *See Dellinger v. Bessent*, No. 25-5052 (D.C. Cir. Mar. 5, 2025) (granting leave to file four amicus briefs).

For the foregoing reasons, the AFL-CIO respectfully requests that it be granted leave to file an *amicus curiae* brief in opposition to Defendants-Appellants' motion for a stay pending appeal.

Respectfully submitted,

/s/ Matthew Ginsburg

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Dated: March 11,. 2025

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), counsel hereby certifies that the foregoing Motion for Leave to File Brief *Amicus Curiae* contains 255 words, as counted by counsel's word processing system, and thus complies with the 5,200- word limit. *See* Fed. R. App. P. 27(d)(2)(A).

Further, this document complies with the typeface and type-style requirements of the Federal Rules of Appellate Procedure, 32(a)(5) and (a)(6), because this document has been prepared in a proportionally spaced typeface using Microsoft Word using size 14 Century Schoolbook font.

Dated: March 11, 2025

/s/ Matthew Ginsburg

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2025, I electronically filed the foregoing Motion for Leave to File Brief *Amicus Curiae* using the appellate CM/ECF system. The participants in this case are registered CM/ECF users and will be served by the appellate CM/ECF system.

Dated: March 11, 2025

/s/ Matthew Ginsburg